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PATENTS
112007-0008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Michael A. Cleron et al.)
)
Serial No.: 08/435,377)
)
Filed: May 5, 1995)
)
For: EXTENSIBLE REPLACEABLE)
NETWORK COMPONENT SYS-)
TEM)
)
)
Cesari and McKenna, LLP
30 Rowes Wharf
Boston, MA 02110
March 26, 1999

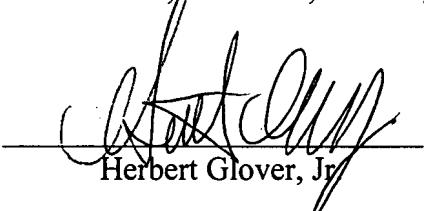
Examiner: Caldwell, P.

Art Unit: 2755

CERTIFICATE OF EXPRESS MAILING

“Express Mail” Mailing-Label Number: EL024702326US

I hereby certify that the following Communication, Continued Prosecution Application (CPA) Request Transmittal, check in the amount of \$760.00 and Declaration Under 37 C.F.R. § 1.31 are being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10 in an envelope addressed to the Assistant Commissioner for Patents, Box CPA, Washington, D.C. 20231, on March 26, 1999.


Herbert Glover, Jr.

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

COMMUNICATION

These remarks are being submitted together with a Continued Prosecution Application (CPA) in the above-referenced matter. The parent application was finally rejected in an Office Action mailed November 2, 1998.

In the Final Office Action claims 1-5, 7-15 and 17-20 were rejected under 35 U.S.C. §103 in view of U.S. Patent No. 5,584,035 to Duggan et al. (hereinafter “Duggan”) in view of H. Norr, *Cyberdog Could Be A Breakthrough If It’s Kept On A Leash* MacWeek, Vol. 8, No. 45, p. 50 (Nov. 14, 1994) (hereinafter “Norr”). Claims 6 and 16 were rejected under §103 based on Duggan, Norr and Harkey et al. *Object Component Suites: The Whole Is Greater Than The Parts* Datamation, Vol 41, No. 3, p. 44 (Feb. 15, 1995).

Applicants also submit the Declaration of Sari Harrison under 37 C.F.R. §1.131. Ms. Harrison is an Engineering Manager, Applied Security at Apple Computer, Inc., who is the assignee of the present application, and is familiar with the claims currently pending in this application. In her Declaration, Ms. Harrison states that she worked on the project that gave rise to the present application. Declaration Under 37 C.F.R. §1.131, dated March 11, 1999 at ¶5 (herein after “Harrison Dec.”). More specifically, Ms. Harrison joined the project in November 1994. Prior to November 1994, Ms. Harrison personally witnessed a demonstration by one of the co-inventors of the present invention. Harrison Dec. at ¶3. The demonstration included the running of computer code implementing each component of the invention. Harrison Dec. ¶4. Accordingly, Ms. Harrison

avers that, based on her personal knowledge, the present invention was demonstrated to work for its intended purpose prior to November 1994. Harrison Decl. at ¶6.

Based on the facts presented in Ms. Harrison's Declaration, applicants submit that the present invention was reduced to practice in this country prior to November 1994, which is the effective date of the Norr reference. Therefore, pursuant to 37 C.F.R. §1.131, the Norr reference is no longer a bar to the grant of a patent on this application.

Since all of the rejections are based, at least in part, on Norr, the removal of Norr as a reference renders the claims in condition for allowance.

Applicants submit that the application is in condition for allowance and early favorable action is requested.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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